

1 JUDGE SIPPLE: I don't have that.

2 MR. MCCARTIN: Then let me hand you that.

3 JUDGE SIPPLE: Thank you.

4 MR. MCCARTIN: And the Bureau.

5 JUDGE SIPPLE: Yes, I see that change.

6 MR. MCCARTIN: As I said, I would like to ask that
7 this be marked for identification.

8 JUDGE SIPPLE: The reporter will so mark this as
9 Richards Exhibit 19 for identification.

10 (Whereupon, the document referred to
11 as Richard Richards Exhibit No. R19
12 was marked for identification.)

13 MR. MCCARTIN: I hereby offer it into evidence.

14 JUDGE SIPPLE: Objection?

15 MR. ZAUNER: Yes, Your Honor. The bottom of the
16 page, the last paragraph, beginning with the words, "We listen
17 to the television station every day." through the end of that
18 paragraph on page two, ending with the words, "...country and
19 environment."

20 JUDGE SIPPLE: I'll strike that paragraph in its
21 entirety. That's the last paragraph on page one and a contin-
22 uation of that paragraph over on page two. It's stricken.
23 Anything else?

24 MR. ZAUNER: Nothing further.

25 JUDGE SIPPLE: And subject to what I have ordered

1 stricken, Exhibit No. 19 for identification is now received in
2 evidence as No. 19.

3 (Whereupon, the document marked for
4 identification as Richard Richards
5 Exhibit No. R19 was received into
6 evidence.)

7 MR. McCARTIN: Let the record reflect that I am
8 handing the reporter the original and one of a document ti-
9 tled, "Richard Richards' Exhibit R20, Statement of Norman
10 Wicker," W I C K E R. It is a two-page document. And as with
11 the last document, there is, in the copy I have, on the second
12 line of the first page the words "Sierra Vista" are handwrit-
13 ten in where a blank had appeared. If -- I believe the copy
14 of Your Honor and the Bureau may not have that handwritten in;
15 so I'll give you a copy as well. With that qualification, I
16 hereby ask that this exhibit be marked for identification.

17 JUDGE SIPPLE: All right. That's the Statement of
18 Norman Wicker, No. 20, for identification, and the reporter
19 will mark that for identification.

20 (Whereupon, the document referred to
21 as Richard Richards Exhibit No. R20
22 was marked for identification.)

23 MR. McCARTIN: I hereby offer it into evidence.

24 JUDGE SIPPLE: Any objection?

25 MR. ZAUNER: Yes, Your Honor, to the paragraph

1 three, beginning with the words, "My wife and I are avid
2 viewers..." through the end of paragraph four, ending with the
3 word "...content..." -- words, "...content and quality."

4 JUDGE SIPPLE: All right. I'll grant that motion
5 and strike those two paragraphs. That would be the third and
6 the fourth full paragraph on page one.

7 Anything else?

8 MR. ZAUNER: That's it.

9 JUDGE SIPPLE: Then subject to that -- what I've
10 stricken, Exhibit 20 for identification, is received in evi-
11 dence as Exhibit 20.

12 (Whereupon, the document marked for
13 identification as Richard Richards
14 Exhibit No. R20 was received into
15 evidence.)

16 MR. McCARTIN: Let the record reflect that I am
17 handing the reporter the original and one copy of a document
18 titled, "Richard Richards' Exhibit R21, Statement of Buck
19 Parker Wood." It is a two-page document and I ask that it be
20 marked for identification.

21 JUDGE SIPPLE: The reporter will mark that as
22 Exhibit 21 for identification.

23 (Whereupon, the document referred to
24 as Richard Richards Exhibit No. R21
25 was marked for identification.)

1 MR. McCARTIN: I hereby offer it into evidence.

2 MR. ZAUNER: Okay. The Bureau would object to the
3 third full paragraph, beginning with the words, "I believe..."
4 and ending with the words, "...this TV station."

5 JUDGE SIPPLE: I'm going to strike that paragraph.
6 That is the extent of the objection?

7 MR. ZAUNER: Yes, Your Honor.

8 JUDGE SIPPLE: Subject to what I have stricken,
9 which is the third full paragraph on the Statement of Buck
10 Parker Wood, Exhibit 21 is now received in evidence.

11 (Whereupon, the document marked for
12 identification as Richard Richards
13 Exhibit No. R21 was received into
14 evidence.)

15 MR. McCARTIN: Let the record reflect that I am
16 handing the reporter the original and one copy of the document
17 titled, "Richard Richards' Exhibit R22, Statement of William
18 Brent Nicola." It's a one-page document and I ask that it be
19 marked for identification.

20 JUDGE SIPPLE: All right. The reporter will so mark
21 that document as Exhibit 22 for identification.

22 (Whereupon, the document referred to
23 as Richard Richards Exhibit No. R22
24 was marked for identification.)

25 MR. McCARTIN: I hereby offer this exhibit into

1 evidence.

2 JUDGE SIPPLE: All right. Mr. Zauner?

3 MR. ZAUNER: Yes, Your Honor. The third paragraph I
4 would object to in its entirety. It begins with the words,
5 "As a minister..." and ends with the words "...wholesome
6 programming."

7 JUDGE SIPPLE: All right. I'll grant the, I'll
8 grant the motion to strike and I'll strike that third full
9 paragraph in its entirety. Any other objections? Mr. Zauner?

10 MR. ZAUNER: No, Your Honor.

11 JUDGE SIPPLE: All right. Subject to what I have
12 stricken, Exhibit 22 is now received in evidence.

13 (Whereupon, the document marked for
14 identification as Richard Richards
15 Exhibit No. R22 was received into
16 evidence.)

17 MR. MCCARTIN: Let the record reflect that I am
18 handing the reporter the original and one copy of the document
19 titled, "Richard Richards' Exhibit R23, Statement of Greg D.
20 Rowles," W R O W -- let me say that again, R O W L E S. It's
21 a three-page document and I ask that it be marked for identi-
22 fication.

23 JUDGE SIPPLE: The reporter will mark that document
24 as Exhibit 23 for identification.

25 (Whereupon, the document referred to

1 as Richard Richards Exhibit No. R23
2 was marked for identification.)

3 MR. McCARTIN: I hereby offer it into evidence.

4 MR. ZAUNER: Your Honor, the Bureau would object to
5 the third full paragraph in its entirety. It begins with the
6 word, "I am a listener..." and ends in the words, "...would be
7 in our lives." I have some other objections, but we might do
8 this one first and then move on.

9 JUDGE SIPPLE: I'll strike that paragraph. That's
10 the third paragraph, from the first sentence.

11 MR. ZAUNER: On page two, Your Honor, in the first
12 paragraph, it's the fourth sentence down, beginning with the
13 words, "He is thrilled..." and ending at the end of the next
14 sentence, which ends with the words, "...all to grow."

15 JUDGE SIPPLE: Just those two sentences?

16 MR. ZAUNER: Yes, Your Honor.

17 JUDGE SIPPLE: All right. I'll strike those.

18 MR. McCARTIN: Your Honor?

19 JUDGE SIPPLE: Yes?

20 MR. McCARTIN: May I just interpose a response here?
21 I, I do disagree with striking of this material, which once
22 again is just characterizing this, this witness's under-
23 standing of, of Mr. Richards, the satisfaction he takes from,
24 from providing the service that he is providing, and it's,
25 it's an evidence of his, of his rehabilitation and character.

1 I mean, this is different from the, the meritorious type
2 objections that have been raised before.

3 JUDGE SIPPLE: Well, the rest of it goes on to that.
4 I, I -- this is the only -- these are the only sentences that
5 you want stricken in this --

6 MR. ZAUNER: There's one other one and --

7 JUDGE SIPPLE: Where is the other one?

8 MR. ZAUNER: The other one is, skipping the next
9 one, the one beginning with, "He frequently hears from many
10 people who sincerely thank him for offering this great service
11 to the community."

12 (Off the record.)

13 (On the record.)

14 JUDGE SIPPLE: Well, I'm going to let that one stay
15 in.

16 MR. ZAUNER: Your Honor, if I may, there, there was
17 one other one. I'm, I'm sorry. I -- and that would be the
18 last sentence of that paragraph: "Truly the service..." to
19 the end of that sentence, the last sentence, which ends with
20 the words, "...in our community."

21 JUDGE SIPPLE: Well, I'm going to strike that as
22 being the conclusion that goes to the -- it goes to the pro-
23 gramming and, and, and, really, it's, it's such a broad state-
24 ment it's hard to say that this witness would be qualified to
25 make it and, and, and have it taken as reliable evidence.

1 But the rest of this paragraph, it's -- it goes both
2 ways. I'm going to allow it. I'm going to give the benefit
3 of the doubt to Mr. Richards on this and let it stay in.

4 Was there anything else in this paper?

5 MR. ZAUNER: No, Your Honor. But just to make sure
6 that I'm correct, the sentence you struck is that last sen-
7 tence of the paragraph --

8 JUDGE SIPPLE: Yes, I have.

9 MR. ZAUNER: -- beginning with the words, "Truly the
10 service..."?

11 JUDGE SIPPLE: Yes, I have.

12 MR. ZAUNER: Thank you.

13 JUDGE SIPPLE: And I've also stricken, of course,
14 the third full paragraph on the first page. But I'm striking
15 nothing else. And subject, subject to what I have stricken,
16 Exhibit 23 is received in evidence.

17 (Whereupon, the document marked for
18 identification as Richard Richards
19 Exhibit No. R23 was received into
20 evidence.)

21 MR. MCCARTIN: Let the record reflect I am handing
22 the reporter the original and one copy of the document titled,
23 "Richard Richards' Exhibit R24, Statement of Wayne E. Rudell,"
24 R U D E L L, a two-page document. I ask that it be marked for
25 identification.

1 JUDGE SIPPLE: That document will be marked by the
2 reporter for identification as Richards No. 24.

3 (Whereupon, the document referred to
4 as Richard Richards Exhibit No. R24
5 was marked for identification.)

6 MR. MCCARTIN: And I hereby offer this exhibit into
7 evidence.

8 JUDGE SIPPLE: Okay. Mr. Zauner?

9 MR. ZAUNER: Yes, Your Honor. To the last full
10 paragraph on page one the Bureau would object. That, that
11 paragraph begins with the words, "I am a viewer..." and ends
12 with the words, "...a great loss."

13 JUDGE SIPPLE: I'm granting that motion and I'll
14 strike that paragraph.

15 MR. ZAUNER: Your Honor, I would also object to the
16 sentence in the last paragraph on page two around the middle
17 of the paragraph, which begins with the words, "The funds for
18 this project..." and ends with the words, "...from donations
19 mostly." I would object on the grounds that this is obviously
20 a hearsay statement --

21 MR. SCHATTENFIELD: Where are you? I'm sorry.

22 MR. ZAUNER: And, in any case, it is --

23 MR. SCHATTENFIELD: Where is --

24 MR. ZAUNER: -- irrelevant.

25 MR. SCHATTENFIELD: Oh, I see.

1 JUDGE SIPPLE: He's in the last paragraph.

2 MR. SCHATTENFIELD: I see.

3 JUDGE SIPPLE: Well, your, your, your objection goes
4 -- starts with the language, "The funds for this project..."?

5 MR. ZAUNER: It's just that sentence, yes, Your
6 Honor. On two grounds. One, it, it would obviously be based
7 upon hearsay and the second is that it's irrelevant, the
8 source of the monies for that project.

9 JUDGE SIPPLE: Yeah. Mr. McCartin?

10 MR. MCCARTIN: Let me just take a second, Your
11 Honor. Your Honor, I, I -- the statement is part of the basis
12 for this witness's testimony about Mr. Richards as a person.
13 It just forms -- it, it is, it is one of the, the facts that,
14 that -- that's part of the mix that -- that's generated this
15 witness's opinion of Mr. Richards. So, I think it's, it's
16 relevant for that purpose.

17 JUDGE SIPPLE: Well, I'm going to strike that -- I'm
18 going to grant the motion to strike that one sentence because
19 I, I concur with Mr. Zauner. There's no way, there's no way
20 that I can tell that this witness would know this unless
21 somebody else had just told him. I mean, there's no, no
22 foundation for this kind of testimony. So, I'm going to
23 strike it. That's that one sentence which starts, "The funds
24 for this project..."

25 Now, what was the next objection?

1 MR. ZAUNER: There were no further --

2 JUDGE SIPPLE: That's it?

3 MR. ZAUNER: -- objections.

4 JUDGE SIPPLE: All right.

5 MR. ZAUNER: Correct.

6 JUDGE SIPPLE: Then subject to what I had stricken,
7 which is that one sentence on the second page and the third
8 full paragraph on the first page of the Statement of Wayne
9 Rudell, Exhibit 24 for identification is received in evidence
10 at this time as No. 24.

11 (Whereupon, the document marked for
12 identification as Richard Richards
13 Exhibit No. R24 was received into
14 evidence.)

15 MR. McCARTIN: Let the record reflect that I am
16 handing the reporter the original and one copy of the document
17 titled, "Richard Richards' Exhibit R25, Statement of Lawrence
18 H. Wicke," W I C K E. It is a three-page document and I ask
19 that it be marked for identification.

20 JUDGE SIPPLE: The reporter will mark that as
21 Exhibit 23 (sic) for identification.

22 (Whereupon, the document referred to
23 as Richard Richards Exhibit No. R25
24 was marked for identification.)

25 MR. McCARTIN: I hereby offer this exhibit into

1 evidence.

2 JUDGE SIPPLE: Mr. Zauner?

3 MR. ZAUNER: Yes, Your Honor. On page two, and the
4 sentence in -- just a little above the midway of the page,
5 "This is his reason for seeking renewal..." I would object to
6 on, on the grounds that this witness is not competent to know
7 the reasons of another individual for seeking renewal of a
8 license.

9 JUDGE SIPPLE: I'll, I'll grant that motion. I'll
10 strike that sentence, "This is his reason for seeking
11 renewal..." This is on the second page.

12 MR. ZAUNER: In that same --

13 JUDGE SIPPLE: Is there anything else?

14 MR. ZAUNER: In that same paragraph, I would object
15 to the language, beginning with the words, "With wholesome
16 programming..." I would not object to, "This station serves a
17 large rural areas as well as Sierra Vista".

18 JUDGE SIPPLE: Where, where is this?

19 MR. ZAUNER: It's, it's right about the, the center
20 of the page.

21 JUDGE SIPPLE: The, the sentence that begins, "This
22 station serves a large rural area..."?

23 MR. ZAUNER: Correct. "...as well as Sierra Vista".
24 I don't object to that point. But to the rest of the sentence
25 to the end of the paragraph, I do object.

1 MR. SCHATTENFIELD: To the end of the paragraph or
2 the end of the sentence?

3 MR. ZAUNER: The end of the paragraph.

4 JUDGE SIPPLE: Well, let's take it one step at a
5 time. The end of the sentence I will strike. So, the, the
6 words, "with wholesome programming..." down to the
7 "...satellite dish." of that sentence, I'm striking that.

8 And you want the next sentence out also?

9 MR. ZAUNER: Right. To the end of the paragraph.

10 JUDGE SIPPLE: "K33CG is filling a void..." I'll
11 strike that also. And the last sentence of that paragraph
12 being that, "Television is saturated with violence..." et
13 cetera, I will -- "...and the denigration of family values..."
14 I'll strike that also. And the last sentence, being "K33CG is
15 vital to a fulfilling of President Clinton's commitment to
16 reestablish family values..." -- what's your, what's your
17 basis for objecting to that? It's --

18 MR. ZAUNER: Well, that's also the meritoriousness
19 of its programming, that it's fulfilling certain Presidential
20 goals.

21 JUDGE SIPPLE: All right. I'll strike that also.

22 MR. ZAUNER: And, Your Honor, we have one other
23 objection, it's -- and that is to the next paragraph. The
24 last clause of that paragraph, beginning with the word, "and
25 that K33CG..." to the, to the word "community" at the end of

1 the sentence.

2 JUDGE SIPPLE: So, what is, what is it that you're
3 objecting to?

4 MR. ZAUNER: The, the words, "and that K33CG is a
5 benefit to this community, community (sic)."

6 JUDGE SIPPLE: All right. So, the sentence would
7 end with the word "area"?

8 MR. ZAUNER: Right.

9 JUDGE SIPPLE: I'll grant that motion and strike the
10 language, "and...K33CG is a benefit to this community."
11 That's all on page two of number 25. Anything else?

12 MR. ZAUNER: Your Honor, may I just have one moment?
13 Your Honor, I -- I'm going to have to modify my objection. In
14 that last paragraph, I would also object to the words, "it is
15 obvious that Richard is doing a good service for this area" as
16 conclusory.

17 JUDGE SIPPLE: Well, that's the witness's conclu-
18 sion. Again, it, you know, it would go to the weight, but I'm
19 going to allow them to stay in.

20 Does that cover the objections for that document?

21 MR. ZAUNER: Yes, Your Honor.

22 JUDGE SIPPLE: Then subject to what I have stricken,
23 Exhibit 25 is now received in evidence as 25.

24 (Whereupon, the document marked for
25 identification as Richard Richards

1 Exhibit No. R25 was received into
2 evidence.)

3 MR. McCARTIN: Let the record reflect I am handing
4 the reporter the original and one copy of a document titled,
5 "Richard Richards' Exhibit R26, Statement of Stanley C.
6 Williams." It is a two-page document and I ask that it be
7 marked for identification.

8 JUDGE SIPPLE: Okay. The reporter will mark that as
9 26 for identification.

10 (Whereupon, the document referred to
11 as Richard Richards Exhibit No. R26
12 was marked for identification.)

13 MR. McCARTIN: I hereby offer this exhibit into
14 evidence.

15 JUDGE SIPPLE: Is there an objection?

16 MR. ZAUNER: Yes, Your Honor, to the third full
17 paragraph, beginning with the words, "I watch Channel 33..."
18 to the end of that paragraph on page two, which ends with the
19 word, "...Desert Cablevision."

20 JUDGE SIPPLE: Yes. I'll strike that paragraph.
21 Anything else?

22 MR. ZAUNER: No, Your Honor.

23 JUDGE SIPPLE: Exhibit 26, subject to what I have
24 stricken, which is the third paragraph, Exhibit 26 is received
25 in evidence as 26.

1 (Whereupon, the document marked for
2 identification as Richard Richards
3 Exhibit No. R26 was received into
4 evidence.)

5 MR. McCARTIN: Let the record reflect that I am
6 handing the reporter the original and one copy of the document
7 titled, "Richard Richards' Exhibit R27, Letter of Gene A.
8 Dimaria." This is a one-page document and I ask that it be
9 marked for identification. I also will provide a copy to the
10 Bureau and to the Judge if neither of you have that. Do you
11 have a copy, you have a copy of that?

12 JUDGE SIPPLE: I have a copy of a letter dated
13 November 26, 1993.

14 MR. McCARTIN: Correct. That, that's it.

15 JUDGE SIPPLE: This -- the reporter will mark that
16 as Richards Exhibit No. 27 for identification.

17 (Whereupon, the document referred to
18 as Richard Richards Exhibit No. R27
19 was marked for identification.)

20 MR. McCARTIN: I hereby offer this into evidence.

21 JUDGE SIPPLE: Any objections?

22 MR. ZAUNER: Your Honor, there is no objection, but
23 I would just like to make a statement for the record, if I
24 may?

25 JUDGE SIPPLE: Let me, let me receive it into

1 evidence and then you can make your statement. There being no
2 objection, Exhibit 27 for identification is received in evi-
3 dence at this time as No. 27.

4 (Whereupon, the document marked for
5 identification as Richard Richards
6 Exhibit No. R27 was received into
7 evidence.)

8 JUDGE SIPPLE: Yes, Mr. Zauner?

9 MR. ZAUNER: Yeah. I just want the record to
10 reflect that I have contacted Mr. Dimaria and have ascertained
11 that if he were called upon here to testify that he would
12 testify as stated in this letter.

13 JUDGE SIPPLE: Thank you.

14 MR. MCCARTIN: Let the record reflect that I am
15 handing the reporter two copies of a document titled, "Richard
16 Richards' Exhibit R28, United States District Court 9/14/92
17 Order" and I ask that this document be marked for identifica-
18 tion. I will give a copy of this to Mr. Zauner and to you,
19 Your Honor.

20 JUDGE SIPPLE: Thank you very much, Mr. McCartin.

21 MR. MCCARTIN: And I hereby offer this into
22 evidence.

23 MR. ZAUNER: Was this previously exchanged?

24 MR. MCCARTIN: I don't recall whether it was ex-
25 changed. I do recall discussing it -- my intention to offer

1 this, a copy of which I believe you already had, but I don't
2 recall whether it was exchanged.

3 JUDGE SIPPLE: Is there any objection to this? This
4 document is -- I'm sorry. The reporter will mark this for
5 identification. It's a one-page document, U. S. District
6 Court of Arizona Order, No. CR 92-014 TUC WDB.

7 (Whereupon, the document referred to
8 as Richard Richards Exhibit No. R28
9 was marked for identification.)

10 JUDGE SIPPLE: Mr. Zauner?

11 MR. ZAUNER: Your, Your Honor, I have no objection
12 to this document. I am familiar with it. I have seen it
13 before. The only thing that I would like is if there are any
14 other documents that I have by the Court subsequent to this
15 order that bear on this order, I would like the Court's per-
16 mission to offer it along with whatever other documents may be
17 offered at a later date?

18 JUDGE SIPPLE: Well, when was the first time that
19 you knew that this was going to be offered into evidence?

20 MR. ZAUNER: Your, Your Honor, my recollection is I
21 -- that I did not see this before as being an exhibit, but I
22 couldn't swear to that at this point in time. It's been some
23 time since we've had the -- you know, the first hearing ses-
24 sion in this proceeding.

25 JUDGE SIPPLE: All right. Well, it's going to be

1 received in evidence anyways, Richards Exhibit No. 28. So,
2 it's now in evidence.

3 (Whereupon, the document marked for
4 identification as Richard Richards
5 Exhibit No. R28 was received into
6 evidence.)

7 JUDGE SIPPLE: Had you made -- Mr. McCartin, you
8 told Mr. Zauner you were going to introduce this?

9 MR. McCARTIN: Your Honor, as I, as I previously
10 stated, it's my recollection that we had a conversation. I
11 don't believe anything is in writing. Let me also say for the
12 record that I'm aware of no subsequent order that pertains to
13 that that would modify or otherwise affect this Order.

14 JUDGE SIPPLE: Okay. Well --

15 MR. ZAUNER: That may well be the case. I don't
16 have anything specific in mind. But I do recall looking at
17 this document and I think I may also have copies of the
18 Pleadings which resulted in this document being created.

19 MR. McCARTIN: That's right. This, this was one of
20 the documents that was exchanged, Your Honor, as part of the
21 document production process, including the Pleadings that
22 preceded the Order.

23 JUDGE SIPPLE: Well --

24 MR. ZAUNER: I just wanted to check my files and
25 make sure that there was nothing, nothing else on this, that

1 this is in fact the last order from the court. I, I would
2 tend to take Mr. McCartin's word on it that, that it is, but I
3 would just like to check my file.

4 JUDGE SIPPLE: Well, you'd have to file a motion
5 and, and -- with a showing of cause as to why I should open
6 the record for that purpose, because it sounds so hypothetical
7 and so speculative. But -- I mean, you -- if you can -- if
8 you have grounds for relief, you'll get relief.

9 MR. ZAUNER: Okay.

10 JUDGE SIPPLE: If you don't, you don't. Anything
11 else, then, Mr. McCartin?

12 MR. MCCARTIN: No, Your Honor. Not with this
13 exhibit. I, I hereby offer it into evidence, if I didn't do
14 that.

15 JUDGE SIPPLE: Yeah, I did. I -- and I --

16 MR. MCCARTIN: I'm sorry.

17 JUDGE SIPPLE: It's been received. That's okay.
18 It's been received as No. 28.

19 MR. MCCARTIN: Let me move on, then, to the last of
20 the community witness type exhibits, which was out of order.
21 I apologize for that. The name -- the title of this exhibit
22 is "Richard Richards' Exhibit R29, Letter of Twila..." that's
23 T W I L A "...J. Thompson," T H O M P S O N. It's a two-page
24 document and I'm handing it to the reporter, and I ask that it
25 be marked for identification.

1 JUDGE SIPPLE: The reporter will mark that at this
2 time as Richards No. 29.

3 (Whereupon, the document referred to
4 as Richard Richards Exhibit No. R29
5 was marked for identification.)

6 MR. McCARTIN: And I now offer it into evidence.

7 JUDGE SIPPLE: I don't seem to have a copy of it.

8 MR. McCARTIN: Oh, I'm sorry. Maybe that's why --

9 JUDGE SIPPLE: This is extra also. And this is
10 extra --

11 This is the Statement of Twila J. Thompson, and it's
12 marked for identification as No. 29, Richards 29 for
13 identification.

14 Do you have that document, Mr. Zauner? Do you have
15 that in front of you now?

16 MR. ZAUNER: Yes, I am. I'm reading it now.

17 JUDGE SIPPLE: All right. Let's go off the record
18 for just a minute.

19 (Off the record.)

20 (On the record.)

21 JUDGE SIPPLE: Are there objections to any of this
22 statement, Exhibit 29?

23 MR. ZAUNER: Yes, Your Honor. In paragraph 2, it
24 looks like the fifth sentence, if I'm counting correctly,
25 beginning with the words -- well, I'll read it, "Because he

1 was attempting to establish a service that the Christian
2 community was very much interested in". I would object to
3 that clause as going to the nature of the programming the
4 station offered. And, and I think the paragraph reads fine
5 with that clause taken out. The, the next word is "there" and
6 that could be a capital T and we would have a sentence.

7 JUDGE SIPPLE: Mr. McCartin?

8 MR. MCCARTIN: Your Honor, this is really precatory.
9 It, it, it forms -- it, it sets forth the basis for this
10 witness's statement that Mr. Richards could have manipulated
11 people to get money or help him get -- it is not in any -- by
12 any stretch of the imagination intended, even on its face, to
13 say that the, the, the programming he was offering was
14 meritorious.

15 JUDGE SIPPLE: I, I'll -- I'm going to -- yeah, I'm
16 going to let this stay in. I'll let that, that sentence --
17 that clause stay in for the reason Mr. McCartin has given.

18 MR. ZAUNER: Your Honor, I would also object to the
19 full paragraph no. 4 on the second page of this statement.

20 JUDGE SIPPLE: I'll, I'll grant that motion. That,
21 that paragraph no. 4 on page two comes out in its entirety, is
22 stricken. Is that it?

23 MR. ZAUNER: That's it, Your Honor.

24 JUDGE SIPPLE: Then subject to what I have stricken,
25 Exhibit 29 for identification, Statement of Twila Thompson, is

1 received in evidence as No. 29.

2 (Whereupon, the document marked for
3 identification as Richard Richards
4 Exhibit No. R29 was received into
5 evidence.)

6 MR. McCARTIN: Your Honor, that concludes the
7 exhibits that we have to offer today subject to the one
8 exhibit that the Bureau and we are, are trying to work out and
9 hopefully should work out very quickly. We will submit what
10 we submit, in all likelihood, jointly or without objection
11 from, from either side, so there would be no further need for
12 you to act other than to accept it into the record. And, so I
13 guess I would request that the record be kept open for that
14 limited purpose, if that's acceptable.

15 JUDGE SIPPLE: Well, I intend to leave the record
16 opened purposes of filing corrections, and that would be
17 until March 14th. So, I would include up until that time also
18 this affidavit that you're referring to, then the signature to
19 that -- the signature that is need on No. 15, and any motion
20 to -- based on a showing of cause that the Bureau may have
21 with respect to No. 28, the District Court Order. I think
22 those are the only items that are left open.

23 I want to ask also -- I'll point out, since I was in
24 -- in looking -- preparing for this session this morning, I
25 did happen to note on transcript page no. 127 it appears that

1 it represents that I am making the statement to myself about a
2 point about -- but I'm sure it's Mr. McCartin's statement.
3 So, if you just want to make a note to point that out in your
4 corrections.

5 MR. MCCARTIN: That rings a bell, Your Honor.

6 JUDGE SIPPLE: Okay. That's all I have. Is there
7 anything else that anybody else has?

8 MR. ZAUNER: To, to make sure that I understand
9 what's happening now, with, with regard to Mass Media Bureau
10 Exhibit 6, 7, and 8, they are all received for all purpose --
11 well, for the purposes for which you stated earlier?

12 JUDGE SIPPLE: That's correct.

13 MR. ZAUNER: And there's no objection by counsel for
14 Richard Richards to those exhibits?

15 JUDGE SIPPLE: Correct.

16 MR. ZAUNER: Okay.

17 JUDGE SIPPLE: I also have to set some dates for
18 findings and conclusions. I haven't done that yet. March 14
19 will be the corrections. March, March 28 will be the proposed
20 findings. April 18th will be reply findings.

21 MR. SCHATTENFIELD: Proposed findings, what date?

22 JUDGE SIPPLE: March 28. And reply findings, April
23 18. And except for what I've done on March 14, except what's
24 to be done on March 14, I'm closing the record today for all
25 other purposes.

1 Would it -- could somebody just please give me a
2 little clearer idea as to what is this affidavit about that's
3 causing all of this -- that's causing this -- the --

4 MR. McCARTIN: Your Honor, it's --

5 JUDGE SIPPLE: -- concern?

6 MR. McCARTIN: It's a, a supplemental statement by
7 Mr. Richards that ties in with the stipulation, or the subject
8 matter of the stipulation, and the -- there's one sentence
9 which we are trying to ascertain whether there's a -- well --
10 there's some confusion as to the meaning of one sentence. And
11 that's why we're trying to get in touch with Mr. Richards, to,
12 to clarify that. And we went through the same process, to a
13 certain extent, with this supplement that we did with the
14 stipulation, checking with various experts to, to make sure
15 that what we're saying was factual. And, so, we're just
16 trying to nail down that one final detail and be able to
17 submit a complete copy.

18 JUDGE SIPPLE: This is language that's coming from
19 Mr. Richards? This is not Bureau language?

20 MR. ZAUNER: Right.

21 MR. McCARTIN: That's right.

22 JUDGE SIPPLE: All right. It just strikes me as --
23 I mean, not as odd, but that -- well, maybe it does strike me
24 as somewhat odd that with you being in court today and Mr.
25 Richards knowing that you're being in court today, that at